

<p style="text-align: right;">218</p> <p>1 to me has been just negative pretty much 2 since I knew her. 3 Q. And you didn't see her do it 4 to women in the store? 5 A. I have heard her doing it to 6 other females, but I did not witness 7 that. 8 Q. Okay. 9 A. And those are like a very 10 rare few. You hear more about the men as 11 far as them quitting because of her or 12 getting terminated because of her or 13 transferring because of her. I mean, you 14 always hear it more from the men than you 15 do from the females. 16 Q. So is that the only reason 17 that you think it was because of your sex 18 is because you didn't see her or hear her 19 doing it to other women? 20 A. Also, the other thing is 21 because of my race, too. 22 Q. Why do you think it was 23 because of your race? 24 A. Because I don't know of</p>	<p style="text-align: right;">220</p> <p>1 either one of the two, Asian or 2 specifically half Korean. It could be 3 one of the two, which I don't know, I 4 will never know, but I have no choice but 5 to look at it from that perspective, 6 because, to be honest with you, I'm the 7 only one. I don't know of any -- I mean, 8 yeah, there have been Hispanics and 9 African Americans, but as far as being 10 the only Asian, it seemed like I was the 11 one getting the worst treatment. I 12 probably got the worst compared to 13 everybody because after I left Lowe's I 14 came back twice and still got treated 15 actually worse coming back to Lowe's, 16 getting treated worse, and I am wondering 17 why I even bothered, but, I mean, it's my 18 livelihood. It's all I have ever done. 19 And, like I said, my aim was 20 to eventually work for Lowe's again, not 21 necessarily saying I'm working in Lowe's 22 in Dover, unless she left, but I wanted 23 to come back and work for Lowe's some 24 day.</p>
<p style="text-align: right;">219</p> <p>1 anybody that was of Asian descent that 2 she treated that way. The Caucasians, 3 whether they be female or male, that was 4 just far and few between, but being that 5 I seemed to be the only -- I have to look 6 at myself because I'm the only Asian in 7 that store that I could think of at the 8 time. There were Hispanics, but this was 9 different, and I don't know what the 10 situation was, but I have -- I have no 11 other reason but to believe that she had 12 something against my national origin. 13 Q. What I am trying to get at, 14 though, is why do you think it's because 15 -- and let me clarify something before we 16 get to that. 17 National origin and race, in 18 this case, I assume we are talking about 19 the same thing; is that right? 20 A. Same thing. 21 Q. And that's because you are 22 Asian or Korean American; is that 23 correct? 24 A. Yeah, it could be because --</p>	<p style="text-align: right;">221</p> <p>1 Q. Well, do you have any idea 2 whether Yvette Schreiber knew what your 3 race was? 4 A. Yes. 5 Q. You think she did know what 6 your race was? 7 A. Yes, sir. 8 Q. How did she know that? 9 A. Company documents, my 10 application, uhm, computer. 11 Q. Okay. Well, take a look at 12 your application. It's Exhibit 1. Is 13 your race on here? 14 A. It's probably on the other 15 one. 16 Q. What other one? 17 A. Uhm, on the application that 18 I applied for appliance specialist. 19 Q. And you put your race on 20 that? 21 A. I'm not going to -- I'm not 22 going -- I'm not going to say absolutely 23 a hundred percent, yes, I did, but I do 24 know I did another application just for</p>

56 (Pages 218 to 221)

222

1 that position and it was different from
 2 this. I would have to, again, assume
 3 that there was a space for that, but I
 4 don't know, because it's been so long
 5 since I had done that, but there had to
 6 have been some other document that she
 7 would have found out that I am of Korean
 8 descent other than this particular
 9 application.
 10 **Q. Like what?**
 11 **A. The appliance specialist.**
 12 **List job or the Genesis**
 13 **system -- I don't know if Lowe's has an**
 14 **Intranet or whatever, but, uhm, we would**
 15 **constantly -- there was training modules**
 16 **and we would do training modules and we**
 17 **would do Lowe's University and they had**
 18 **training modules in the H.R. department**
 19 **and we had to do a lot of -- a lot of**
 20 **procurement on that.**
 21 **It could have been by any**
 22 **means. Like I'm not going to say, like I**
 23 **said, it was this, this or that, but I'm**
 24 **saying there's ways she could have found**

223

1 out.
 2 **Q. And I am asking you what**
 3 **they were, and you have given me an**
 4 **application for the appliance position**
 5 **and we don't have that in front of us,**
 6 **but we can look into that later, but you**
 7 **think you may have put your race on**
 8 **there?**
 9 **A. Correct.**
 10 **Q. All you told me is there**
 11 **must have been other documents. What**
 12 **were they?**
 13 **A. If it's not -- again, like I**
 14 **said, I'm not going to say a hundred**
 15 **percent foolproof that it was on the**
 16 **appliance specialist position because I'm**
 17 **not a hundred percent on that. If it**
 18 **would be on that, then it would be in the**
 19 **computer or she found out from somebody**
 20 **else.**
 21 **Q. Where in the computer would**
 22 **it be?**
 23 **A. Human resources.**
 24 **Q. Did you tell somebody at**

224

1 **human resources that you were Asian or**
 2 **Korean American?**
 3 **A. Don, I don't remember his**
 4 **last name. Don, he -- and he might still**
 5 **be working there, too. His first name is**
 6 **definitely Don. I don't know his last**
 7 **name.**
 8 **Q. What was Don's job?**
 9 **A. H.R., human resources. He**
 10 **was -- he was also in that position when**
 11 **I was at the old Lowe's of the Dover**
 12 **store.**
 13 **Q. And you told Don what your**
 14 **race was?**
 15 **A. No, he knew about it at the**
 16 **old Lowe's store because before he was in**
 17 **the human resources, he was the paint**
 18 **manager, department manager in the paint**
 19 **department, which is adjacent from the**
 20 **flooring department, and we had -- like**
 21 **when I first started, we had talked all**
 22 **the time, and I remember talking to him,**
 23 **because I talked to everybody, and he**
 24 **knew what my national origin was.**

225

1 Everybody did.
 2 **Because the human resources**
 3 **personnel at the time at the old Lowe's**
 4 **store was a lady by the name of Willie**
 5 **and right before she left Don took her**
 6 **job.**
 7 **Q. Okay.**
 8 **A. Everybody knew. Craig Hurd,**
 9 **he was the co-manager at the store.**
 10 **Everybody knew I was Korean.**
 11 **Q. How did everybody know?**
 12 **A. Because they knew I took**
 13 **martial arts and did Tae Kwon Do in**
 14 **upstate New York for five years and knew**
 15 **I was Korean because I had spoken some**
 16 **Korean.**
 17 **Q. Did you tell them you were**
 18 **Korean?**
 19 **A. Yes, sir.**
 20 **Q. Then you told -- so you told**
 21 **them you were Korean and that's how they**
 22 **knew you were Korean?**
 23 **A. Yes, sir.**
 24 **Q. Did you ever tell Yvette**

<p style="text-align: right;">226</p> <p>1 Schreiber you were Korean?</p> <p>2 A. I never told her that.</p> <p>3 Q. Other than the fact that you</p> <p>4 told some employees there that you were</p> <p>5 Korean, do you have any reason to think</p> <p>6 that Yvette Schreiber knew what your race</p> <p>7 was?</p> <p>8 A. I'm not going to say, hey,</p> <p>9 she knew exactly what I was, but I'm</p> <p>10 definitely going to say she knew I was of</p> <p>11 Asian descent.</p> <p>12 Q. How do you know she knew you</p> <p>13 were definitely of Asian descent?</p> <p>14 A. I would have to just say</p> <p>15 that from just the feedback.</p> <p>16 Q. What do you mean by "the</p> <p>17 feedback"?</p> <p>18 A. That people would always</p> <p>19 guess that I was Asian.</p> <p>20 Q. Who would guess that you</p> <p>21 were Asian?</p> <p>22 A. People would just ask me</p> <p>23 like what nationality I am. They would</p> <p>24 know I'm Asian, but weren't exactly</p>	<p style="text-align: right;">228</p> <p>1 receiving. She's -- she's on day shift</p> <p>2 just unloading off the trucks.</p> <p>3 Q. What did she say?</p> <p>4 A. Just -- I don't know if she</p> <p>5 said it verbatim, but she just wanted to</p> <p>6 know like what race I was.</p> <p>7 Q. What did you tell her?</p> <p>8 A. I just told her half Korean.</p> <p>9 Q. Anybody other than Jay or</p> <p>10 Juanita?</p> <p>11 A. Thelma. Thelma has asked</p> <p>12 me.</p> <p>13 Q. What did Thelma ask you?</p> <p>14 A. Like again, I don't know if</p> <p>15 she said what my race or nationality or</p> <p>16 origin is, but she just wanted to know</p> <p>17 what I was. I usually say Korean. I</p> <p>18 hardly say Asian or Ameri-Asian, which is</p> <p>19 half Asian and half Korean(sic). I</p> <p>20 usually just say Korean.</p> <p>21 Q. Anybody other than Jay,</p> <p>22 Juanita or Thelma?</p> <p>23 A. Hector Goicoria.</p> <p>24 Q. What's Hector's last name?</p>
<p style="text-align: right;">227</p> <p>1 sure -- wouldn't know what part of Asian,</p> <p>2 if it was Korean or Filipino or something</p> <p>3 like that.</p> <p>4 Q. Who would ask you?</p> <p>5 A. Everybody, Lowe's managers,</p> <p>6 Lowe's employees.</p> <p>7 Q. The employees, who?</p> <p>8 A. Jay is one of them.</p> <p>9 Q. Jay?</p> <p>10 A. Jay was the assistant store</p> <p>11 manager at the time.</p> <p>12 Q. Did Yvette Schreiber ever</p> <p>13 ask you that?</p> <p>14 A. She never asked me directly,</p> <p>15 are you Korean.</p> <p>16 Q. Did she ever ask you what</p> <p>17 your race was?</p> <p>18 A. She never asked me what my</p> <p>19 race was.</p> <p>20 Q. Okay. Anybody other than</p> <p>21 Jay ever ask you?</p> <p>22 A. Juanita.</p> <p>23 Q. Who is that?</p> <p>24 A. She's in shipping and</p>	<p style="text-align: right;">229</p> <p>1 A. Goicoria.</p> <p>2 Q. Can you spell that?</p> <p>3 A. G-o-i -- I know the first</p> <p>4 three letters are g-o-i, but I'm not sure</p> <p>5 how to spell the rest of it.</p> <p>6 Q. Goicoria?</p> <p>7 And what is Hector's</p> <p>8 position?</p> <p>9 A. At the time, he was the</p> <p>10 flooring specialist.</p> <p>11 Q. When did he ask you this?</p> <p>12 A. Uhm, probably my first year</p> <p>13 into the job. I'm not sure if it was</p> <p>14 right away or later on, but he did ask me</p> <p>15 because I worked with him all the time.</p> <p>16 Q. Uh-huh. Anybody else?</p> <p>17 A. Charlie Stapleford.</p> <p>18 Q. Who is he?</p> <p>19 A. He's the -- at the time, he</p> <p>20 was the mill work specialist.</p> <p>21 Q. Okay. In what context was</p> <p>22 he asking you this?</p> <p>23 A. He put a storm door --</p> <p>24 actually, he put a storm door up for my</p>

230
1 parents, and then he started asking my
2 parents and then myself, you know,
3 because he saw my mom, didn't know what
4 she was, trying to figure out what
5 nationality I was. This is when my
6 parents were around.

7 Q. Anybody else?

8 A. There's a lot more people,
9 but I'm like not going to remember all
10 the last names.

11 Q. Let me ask you this: Did
12 you ever discuss your race or national
13 origin, however you want to identify it,
14 with Linda Myers?

15 A. Yeah, I have.

16 Q. Okay. Tell me about that,
17 your discussions about your race with
18 Linda Myers.

19 A. That goes back to when I --
20 I don't know if you want me to talk about
21 it. That goes back to when I worked for
22 Lowe's.

23 Q. That's fine.

24 A. Okay? She knew I was going

231
1 through a tough time, back when she was
2 working, going through school, just was
3 stressed out, and I was trying to finish,
4 but I was still --

5 Q. Let me back you up for a
6 second.

7 Who was going through
8 school?

9 A. Me, I was going through
10 school, and towards the end of my school
11 I was working at Lowe's full time, but
12 they were still working around my
13 schedule, which was cool, and she had
14 mentioned taking martial arts because of
15 the stress, and I told her I had a
16 background in it, but didn't have the
17 time for it because of being too busy
18 with work and school.

19 And we started talking about
20 just different martial arts and talking
21 about Yoga and talking about the Asian
22 culture and that's how she came to find
23 out that I was half Korean.

24 Q. Did you tell her you were

232
1 half Korean?

2 A. Yes, sir.

3 Q. Was that the only time you
4 ever discussed your race or national
5 origin with Linda Myers?

6 A. I don't -- that was the only
7 time because we never talked about it
8 again.

9 Q. Yvette you never discussed
10 it with?

11 A. No, sir.

12 Q. We were talking about the
13 harassment that you claim Yvette
14 Schreiber subjected you to, and the first
15 one you gave me was she walked past the
16 section you were in and said, this
17 section looks like shit. What other ways
18 did she subject you to harassment?

19 A. The very first day.

20 Q. What do you mean "by the
21 very first day," your first day with
22 Ideal?

23 A. Yes, sir. I was at the
24 Dover store and, uhm, the labels -- the

233
1 beams needed to be painted the Lowe's
2 color gray. I mean, they were just all
3 scratched up from a cherry picker, which
4 is a form of a forklift, that goes by for
5 stocking way up high. It's like an
6 elevator. And there was a lot of
7 scratches and scuffs on it.

8 So I asked the department
9 manager if they had any paint, and he
10 said no, that I would have to get it
11 billed out. So I went to Keith Dominick,
12 he's the gentleman that referred Jeremy
13 Learnan, I shouldn't say refer, but Jeremy
14 Learnan did approach him on my background,
15 and he's the one that gave him the nod to
16 say okay.

17 Well, he happened to be in
18 the store that day and I asked him, hey,
19 this is what I am doing, I got to paint
20 all the beams and electrical, and can I
21 please get this paint and brush and
22 everything billed out, which basically
23 means the store pays for it, which I have
24 done it many times with Spectrum and done

234

1 it as a Lowe's employee. It's really not
 2 a big problem at all.
 3 So I got everything done,
 4 got the paint mixed, got the supplies to
 5 paint the beams with, and I brought it to
 6 the customer service desk, but you can't
 7 just take everything and paint it. I
 8 have to give it to customer service desk
 9 and scan everything and bill it out.
 10 There's a specific way to do that that
 11 shows it hasn't been paid for, it is paid
 12 for by the store.
 13 The only person that could
 14 help me at the time was Yvette. There
 15 was no other person. So I'm trying to
 16 get the job done. So I asked Yvette, and
 17 I said, Yvette, can I please get this
 18 billed out?
 19 She goes, why?
 20 I explained to her what
 21 needed to be done. I'm not trying to
 22 repeat myself, but the beams needed to be
 23 repainted because they were scuffed up
 24 from the cherry pickers and the shopping

235

1 carts and everything, and she goes, no,
 2 you pay for that.
 3 And I said, Yvette, Keith
 4 just approved this to be billed out. He
 5 said it could be billed out.
 6 She goes no, no, you want to
 7 paint it, you pay for it.
 8 And I said, Yvette, call
 9 Keith, please. He will tell you that he
 10 said that.
 11 She goes, I don't believe
 12 you.
 13 I said, if you don't believe
 14 me, fine, just call him, believe him.
 15 She couldn't get in touch
 16 with him right away, so it's probably
 17 about -- I mean, this was over 20 minutes
 18 she made me wait there. Then he finally
 19 got to the customer service desk. It was
 20 simple. Yeah, I did, I told him he could
 21 bill it out. It's no problem.
 22 Then Yvette just looks at
 23 him like, are you sure? Keith is like
 24 yeah, he looked at -- looks at Yvette and

236

1 was befuddled by it, like why is this
 2 such a big deal, and going back to what I
 3 was saying, it's not really a big deal
 4 because I have had equipment, paint,
 5 tools billed out as a Lowe's employee and
 6 as the previous vendor. It's not a big
 7 deal. It's not. She made a big deal out
 8 of it. So I had to go through all that
 9 just to get the -- just trying -- I am
 10 just trying to make the beam look good.
 11 I mean, I'm doing her a service and she
 12 is just making my -- making it really
 13 difficult for me. So I had to go through
 14 all that to get it -- you know, to get --
 15 to paint the beams.
 16 Q. Did you get your paint?
 17 A. I got the paint, but I had
 18 to go -- I didn't feel as if I had to go
 19 through all that just to get the paint.
 20 Q. So you had to wait a few
 21 minutes to get the paint?
 22 A. I had to wait over 20
 23 minutes. At least half an hour.
 24 Q. And then you got the paint?

237

1 A. Then I got the paint.
 2 Q. And you painted the beams?
 3 A. I painted the beams.
 4 Q. Okay. What else did Linda
 5 Myers -- sorry, Yvette Schreiber do that
 6 you considered harassing?
 7 A. One time, and this is just
 8 one time, I didn't have my vendor vest
 9 on, and usually it's not a problem as
 10 long as you had like a company shirt logo
 11 and that shows the ID color or emblem
 12 that you work for that company, then that
 13 would suffice.
 14 At one time I didn't have my
 15 vest on. She called me from -- she
 16 called me from quite a ways, at least
 17 fifty or more yards, and saying, Mr.
 18 Hanson, what are you doing, like just
 19 really loud. Mr. Hanson, what are you
 20 doing? And she wasn't exactly telling
 21 me, but she said it in a way to where I
 22 would have to go all the way to the
 23 customer service desk and find out why.
 24 So I went up to the customer

<p style="text-align: right;">238</p> <p>1 service desk and I asked her what's 2 wrong. 3 She said, where is -- where 4 is your vest at? 5 I said Yvette, I do 6 apologize, I didn't have it with me, I 7 left it at home and it's in the laundry, 8 and then I didn't get a chance for it to 9 dry. 10 She goes, you can't work in 11 my store unless you wear a vest. 12 And I said, Yvette, I said, 13 can I just -- and I borrowed one in Bear 14 or Wilmington, I borrowed vests before, 15 and it's not a problem. They will loan 16 you one. I said, do you have one that I 17 could borrow for the day? 18 She goes, no, you're going 19 to buy one. 20 I said, how much is it? 21 And she said like 20 bucks 22 or -- it seemed like it was a little bit 23 too high, and don't quote me on that, but 24 it was real expensive.</p>	<p style="text-align: right;">240</p> <p>1 other vest. I didn't know where it was 2 at. I think I left it in the Middletown 3 store, but I wasn't able to recover it. 4 Q. Were you supposed to wear 5 your vest when you worked in the Lowe's 6 store? 7 A. That's a good idea, to wear 8 the vest, because it's a vest that says 9 vendor on the back, so that way customers 10 could differentiate the difference 11 between a vendor and an employee, because 12 most of the customers will see that, and 13 not to say they will go there and leave 14 you alone, but if they know they have to 15 ask you a question, they will know they 16 are better off going to a Lowe's 17 employee, and it gives us a better chance 18 to get our jobs done as far as inventory. 19 Q. So there's a reason for you 20 to wear the vest? 21 A. Yeah. 22 Q. It's pretty important for 23 you to wear it? 24 A. I am for it. It could also</p>
<p style="text-align: right;">239</p> <p>1 I said, that's a lot of 2 money. 3 She goes, well, you got to 4 leave my store. 5 I said, how about this -- I 6 didn't want to disappoint Jeremy. I said 7 how about this, how about I just get it 8 out, just finish drying it up and I will 9 come back. 10 And she goes, if you let it 11 happen again, I don't want you back in my 12 store. 13 And I was like, okay. 14 Q. So what did you do? 15 A. I left. I went -- had the 16 vest go through the dryer, the vendor 17 vest went through the dryer, and I came 18 back and finished up my day. 19 Q. So you went home and dried 20 it, put your vest on and came back? 21 A. Yes, sir. 22 Q. Didn't Jeremy Leaman give 23 you more than one vest? 24 A. Yes, he did, but I lost the</p>	<p style="text-align: right;">241</p> <p>1 deal with theft. I mean, you want to 2 know who is working in your store, 3 especially with vendors. If you have 4 someone without a vest, you will be 5 like -- it's not a customer, you know, 6 who is it, so -- so for security reasons, 7 so I'm absolutely for that. 8 Q. Could you then understand 9 why it was that Yvette Schreiber wanted 10 you to put your vest on? 11 A. Well, the thing with that 12 is, again, with my previous vending jobs, 13 if you were to wear a name tag, you can 14 get working that day, and I had my Ideal 15 Merchandising name tag pinned on a 16 solid-colored shirt that says Ideal 17 Merchandising, Will Hanson, Merchandiser 18 on the bottom. 19 I did the same thing with 20 Spectrum and she never said anything. 21 Spectrum had a really nice name tag. It 22 was hard plastic. This one was just the 23 card and it was hard to read. The one 24 Spectrum had was a hard plastic one and I</p>

242

1 wore it and she saw me with that
2 frequently, you know, without the vest,
3 and I had to do that because I'm always
4 up and down on the ladder, you know, and
5 the vest could catch on boxes. I'm
6 always up and down the ladder, I'm moving
7 boxes, getting underneath the bays,
8 getting dirty. As long as you had a name
9 tag, it would suffice.

10 I mean, Chris Borzero(ph),
11 the store manager at Wilmington, he said
12 it was okay. I even asked the store
13 manager at Bear at the time and he said
14 it was okay. And I did it in Dover, and
15 I am not saying I asked Yvette's
16 permission, but she did see me without a
17 vest numerous times, so this one time I
18 start with a new company, yes, I don't
19 have any vest, but I have a name tag, and
20 I don't think that would be an issue.
21 For some reason she made it an issue that
22 day. Why she never made it an issue last
23 time, I will never understand, but it was
24 a big issue this time.

243

1 **Q. Do you have any idea whether**
2 **she as the store manager was required to**
3 **make sure that vendors had their vests**
4 **on?**

5 A. I don't -- I don't know her
6 job description, sir.

7 **Q. The other times that you**
8 **mentioned that she saw you in the store**
9 **without your vest on, was it just because**
10 **you were lifting something or moving**
11 **product around?**

12 A. At the time, I was moving
13 product around.

14 **Q. Okay. But on this occasion**
15 **you didn't even have your vest with you**
16 **at all, did you?**

17 A. Correct, I didn't have my
18 vest with me.

19 **Q. And you were not moving**
20 **product around at the time, you were just**
21 **there without your vest?**

22 A. I was -- at the time when
23 she called out my name, I was moving
24 product around.

244

1 **Q. But you didn't have a vest**
2 **anywhere to be seen?**

3 A. Correct.

4 **Q. Did you complain to anybody**
5 **about that?**

6 A. There was a lady there. I'm
7 trying to remember her name. There was
8 one lady there and I think her -- man,
9 Coral. I think her name was Coral.
10 Probably it will come back to me later,
11 but there was a lady that was going to
12 help me out.

13 As a matter of fact, when
14 this whole vest thing was happening she
15 was actually going to get me a vest. She
16 was going to go above Yvette's head, and
17 she just like took it underneath the
18 counter and gave it to me, but, you know,
19 at the time Yvette knew that I didn't
20 have a vest. This was after the fact,
21 when I told her that I was going to go
22 home and, you know, get my vest
23 drycleaned.

24 And she just like -- I guess

245

1 she heard the conversation and felt bad
2 for me, whatever. And I said, look, I
3 don't want to get you in trouble. If she
4 sees me with this vest, then she will
5 wonder where I got it from, sees that it
6 is missing, and so I said I don't want to
7 get you in trouble, and I told her I
8 won't make a big deal about it, so I
9 said, look, just take the vest back. I'm
10 going to go home, get the vest drycleaned
11 and then I will come back and finish out
12 my day.

13 And she was just addressing
14 to me that she understands my situation
15 because Yvette had burned her -- wrong
16 terminology, but really hurt her because
17 she put in for vacation like several
18 months in advance and had airplane
19 tickets paid for and everything and
20 Yvette forced her to go to work. In a
21 nutshell, she just was pretty much
22 telling me her problems with Yvette. She
23 was trying to help me out, but by helping
24 me out, it would hurt her, and I didn't

<p style="text-align: right;">246</p> <p>1 want that to happen. I think her name</p> <p>2 was Coral.</p> <p>3 Q. What was the name?</p> <p>4 A. Coral.</p> <p>5 Q. Coral?</p> <p>6 A. Again, I'm not sure how to</p> <p>7 spell that.</p> <p>8 Q. Okay. What department did</p> <p>9 she work in?</p> <p>10 A. She worked in the prodesk</p> <p>11 department, which is the -- they call it</p> <p>12 the prodesk department.</p> <p>13 Q. Prodesk?</p> <p>14 A. Yeah, prodesk, and they deal</p> <p>15 with all the contractors in the morning.</p> <p>16 Q. So she wasn't happy with the</p> <p>17 way Yvette had treated her?</p> <p>18 A. She wasn't happy with the</p> <p>19 way she treated her and the way she had</p> <p>20 treated me about the vest, because they</p> <p>21 have loaned vests to other vendors, no --</p> <p>22 they have done it, and even Coral told</p> <p>23 me, that, you know, they lend vests out</p> <p>24 for the day, but you just got to return</p>	<p style="text-align: right;">248</p> <p>1 A. I said, well -- because we</p> <p>2 had a conversation about it. I told</p> <p>3 Jeremy there would be times where, you</p> <p>4 know, I might not have my vest on because</p> <p>5 I'm going up and down a ladder because</p> <p>6 there's times you just constantly are</p> <p>7 going up and down the ladder, and he says</p> <p>8 that's fine, so I addressed it with him</p> <p>9 and told him the situation, that Yvette</p> <p>10 really made a scene, you know, with this</p> <p>11 vest thing and told me if it happens</p> <p>12 again I can't come back.</p> <p>13 He goes, yeah, you know,</p> <p>14 this -- just try to work with her, you</p> <p>15 know, because, I mean, he goes to the</p> <p>16 store without a vest himself. He doesn't</p> <p>17 always just go in and out. Actually,</p> <p>18 Jeremy Leaman actually does some work,</p> <p>19 and he even said it was okay for me to do</p> <p>20 it, too.</p> <p>21 Q. He said it was okay for you</p> <p>22 not to wear your vest to work?</p> <p>23 A. No, on occasion. Not to do</p> <p>24 it as a permanent thing, a situation, but</p>
<p style="text-align: right;">247</p> <p>1 it.</p> <p>2 Q. What other vendors had they</p> <p>3 loaned vests to in the Dover store?</p> <p>4 A. Coral had just said she seen</p> <p>5 the vest being lent out the other</p> <p>6 vendors. As far as the name of the</p> <p>7 company and person, I don't know.</p> <p>8 Q. So you didn't see it happen,</p> <p>9 Coral just told you about it?</p> <p>10 A. She just told me.</p> <p>11 Q. What's Coral's race?</p> <p>12 A. I don't know her race, but</p> <p>13 looks to be Caucasian, from what I can</p> <p>14 see. I don't know exactly what her race</p> <p>15 is, though.</p> <p>16 Q. She's female, obviously?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Okay. Anybody else that you</p> <p>19 complained to about this?</p> <p>20 A. About the vest?</p> <p>21 Q. Yes.</p> <p>22 A. Jeremy.</p> <p>23 Q. What did you say to Jeremy</p> <p>24 about it?</p>	<p style="text-align: right;">249</p> <p>1 there would be times where I would not</p> <p>2 necessarily have to wear my vest as long</p> <p>3 as I had a name tag that said I was with</p> <p>4 Ideal Merchandising.</p> <p>5 Q. And what you described to me</p> <p>6 was times when you were moving product</p> <p>7 around and things like that; is that</p> <p>8 correct?</p> <p>9 A. Correct.</p> <p>10 Q. Did you ever tell him,</p> <p>11 though, I left the thing at home and</p> <p>12 that's why Yvette was mad at me?</p> <p>13 A. I don't even think -- I</p> <p>14 don't remember the whole extent of the</p> <p>15 conversation, but I just told him that I</p> <p>16 didn't see why she wouldn't let me borrow</p> <p>17 a vest and why it was such a shame. She</p> <p>18 wanted me to pay for a vest, but I ended</p> <p>19 up getting one anyway.</p> <p>20 I did tell him I had to go</p> <p>21 back home and get one. I was just</p> <p>22 frustrated with the fact that she made it</p> <p>23 a big deal and I had to buy one.</p> <p>24 Q. But he never told you it was</p>

<p style="text-align: right;">250</p> <p>1 okay with him for you not to wear your</p> <p>2 vest at all and leave it at home, did he?</p> <p>3 A. He never mentioned anything</p> <p>4 about that. He didn't reprimand me, if</p> <p>5 that's what you're asking. He did not</p> <p>6 reprimand me and said you shouldn't have</p> <p>7 left it at home, you should have known</p> <p>8 better.</p> <p>9 Q. No, what I am asking you is,</p> <p>10 did he tell you you didn't have to wear</p> <p>11 the vest, and I don't mean moving product</p> <p>12 around or climbing up on ladders? Did he</p> <p>13 tell you you didn't have to wear the vest</p> <p>14 to work?</p> <p>15 A. No, he didn't say that.</p> <p>16 Q. Okay. Is there anybody else</p> <p>17 you complained to about the vest issue?</p> <p>18 A. Uhm, I talked to Larry about</p> <p>19 it. Larry Reed.</p> <p>20 Q. What did you say to Larry</p> <p>21 about it?</p> <p>22 A. I just told him have you</p> <p>23 seen vendors borrow vests because I don't</p> <p>24 -- I don't know why she wants me to pay</p>	<p style="text-align: right;">252</p> <p>1 Q. Anybody else that you</p> <p>2 complained to about the vest?</p> <p>3 A. No, sir.</p> <p>4 Q. Okay. What other instances</p> <p>5 of harassment were you subjected to about</p> <p>6 Yvette Schreiber?</p> <p>7 A. Coffee. As a matter of</p> <p>8 fact, I was drinking coffee. I wasn't</p> <p>9 exactly at the front door. They have --</p> <p>10 at the time they had grills. They had a</p> <p>11 -- do a switch-up on inventory outside.</p> <p>12 Q. What kind of inventory</p> <p>13 outside?</p> <p>14 A. Grills, barbecue grills, and</p> <p>15 sometimes they will have tractors. I was</p> <p>16 over by that section, I wasn't even by</p> <p>17 the front door, and she was really upset</p> <p>18 that I had coffee so close to the</p> <p>19 entrance.</p> <p>20 And I told her that, you</p> <p>21 know, I can't understand what the big</p> <p>22 deal is. She goes, it is a big deal. If</p> <p>23 you're going to drink coffee, you need to</p> <p>24 drink that coffee in your car.</p>
<p style="text-align: right;">251</p> <p>1 for one, and he said yes.</p> <p>2 Q. He said he had seen vendors</p> <p>3 borrow vests?</p> <p>4 A. Because he has vendors that</p> <p>5 come -- I believe Val*Spar vendors,</p> <p>6 that's his vendor in the paint</p> <p>7 department, has regularly had to borrow</p> <p>8 the vest because they are constantly</p> <p>9 getting paint on the -- the vest and</p> <p>10 stuff and they try to be good at having a</p> <p>11 big supply, but there's times when they</p> <p>12 have to borrow a vest.</p> <p>13 Q. Because they have paint on</p> <p>14 it?</p> <p>15 A. Right.</p> <p>16 Q. You were not getting paint</p> <p>17 on your vest, were you?</p> <p>18 A. No.</p> <p>19 Q. You were leaving it at home</p> <p>20 on that occasion?</p> <p>21 A. Yes.</p> <p>22 MR. PRIMOS: Objection to</p> <p>23 the form.</p> <p>24 BY MR. LEAHY:</p>	<p style="text-align: right;">253</p> <p>1 And I said, well, I can't</p> <p>2 understand it.</p> <p>3 She goes, you don't need to</p> <p>4 understand it. You go to your car and</p> <p>5 finish up that coffee before you come</p> <p>6 into my store.</p> <p>7 Q. When you worked as a vendor,</p> <p>8 were you allowed to eat or drink working</p> <p>9 in the floor or working actually in the</p> <p>10 store at Lowe's?</p> <p>11 A. No, sir, you can't do that.</p> <p>12 Q. Were you allowed to have</p> <p>13 food or drink with you in the store?</p> <p>14 A. I don't see why not, as long</p> <p>15 as you didn't eat it.</p> <p>16 Q. I didn't ask your opinion on</p> <p>17 it. I just want to know, were you</p> <p>18 allowed to do it?</p> <p>19 A. I'm sorry. Rephrase the</p> <p>20 question.</p> <p>21 Q. Were you allowed to have</p> <p>22 food or drink with you when you were</p> <p>23 actually in the store working on the</p> <p>24 floor?</p>

<p style="text-align: right;">254</p> <p>1 A. No, sir.</p> <p>2 Q. So you were in the store on</p> <p>3 the floor and you had coffee with you?</p> <p>4 A. No, sir.</p> <p>5 Q. Where you were?</p> <p>6 A. Outside the store by the</p> <p>7 barbecue grills.</p> <p>8 Q. You were about to go inside</p> <p>9 the store with coffee?</p> <p>10 A. No, I was outside taking a</p> <p>11 break with the coffee.</p> <p>12 Q. So you were not going</p> <p>13 inside?</p> <p>14 A. After I was done with the</p> <p>15 coffee, I was going to go inside.</p> <p>16 Q. So you were just drinking</p> <p>17 your coffee outside?</p> <p>18 A. Right.</p> <p>19 Q. And Yvette told you that you</p> <p>20 had to drink the coffee in your car?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Not outside the store?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. And so what was the</p>	<p style="text-align: right;">256</p> <p>1 A. That it doesn't matter -- it</p> <p>2 could be just anything. Not saying</p> <p>3 coffee is a little thing, could be a</p> <p>4 little thing, but she will just basically</p> <p>5 nitpick, whether work-related or</p> <p>6 non-work-related, she's going to find</p> <p>7 something to either embarrass you or be</p> <p>8 abrupt and abrasive to make a statement.</p> <p>9 Q. Is that something that Mr.</p> <p>10 Ramirez told you had happened to him or</p> <p>11 had happened to other people?</p> <p>12 A. No, he just said he's not</p> <p>13 surprised that she did that when I told</p> <p>14 him about the coffee incident.</p> <p>15 Q. But when you say she will</p> <p>16 look for any chance to embarrass you, did</p> <p>17 he mean you in particular or did he mean</p> <p>18 anybody?</p> <p>19 A. I don't know. He didn't</p> <p>20 specifically say it was me or him. He</p> <p>21 just -- I guess I would have to say in</p> <p>22 general.</p> <p>23 Q. Because was he somebody who</p> <p>24 didn't get along with Yvette?</p>
<p style="text-align: right;">255</p> <p>1 thing about not bringing the coffee in to</p> <p>2 her store? Did she say that to you?</p> <p>3 A. No, sir.</p> <p>4 Q. She didn't say don't bring</p> <p>5 that coffee into my store?</p> <p>6 A. Correct.</p> <p>7 Q. She just said go drink the</p> <p>8 coffee in the car?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Did you complain to anybody</p> <p>11 about that?</p> <p>12 A. Another vendor, Vernon.</p> <p>13 Q. Okay. Anybody at Lowe's</p> <p>14 that you complained to about that?</p> <p>15 A. Jeff Ramirez.</p> <p>16 Q. Who is Jeff Ramirez?</p> <p>17 A. He's the plumbing</p> <p>18 specialist.</p> <p>19 Q. What did Jeff say to you?</p> <p>20 A. He just said he basically</p> <p>21 knew how she was and he's not surprised</p> <p>22 that she said that.</p> <p>23 Q. What do you mean "he knew</p> <p>24 how she was"?</p>	<p style="text-align: right;">257</p> <p>1 A. I mean, it wasn't like I</p> <p>2 wouldn't say they had a good rapport or</p> <p>3 anything.</p> <p>4 Q. Is he one of the ones who</p> <p>5 quit because he didn't like Yvette?</p> <p>6 A. Yes, correct.</p> <p>7 Q. Okay. Any other instances</p> <p>8 of harassment that you were subjected to</p> <p>9 by Yvette Schreiber?</p> <p>10 A. Probably the ones that I</p> <p>11 already mentioned. I don't know if you</p> <p>12 want to go back to it from a different</p> <p>13 question. That's when I had called the</p> <p>14 corporate -- corporate office on her. A</p> <p>15 hostile environment was just more hostile</p> <p>16 because things did get worse after I</p> <p>17 called.</p> <p>18 - - -</p> <p>19 (Whereupon, Exhibit 4 was</p> <p>20 marked for identification.)</p> <p>21 - - -</p> <p>22 BY MR. LEAHY:</p> <p>23 Q. Mr. Hanson, I'm showing you</p> <p>24 Exhibit 4. Have you seen this document</p>

<p style="text-align: right;">258</p> <p>1 before?</p> <p>2 A. I have never seen this, sir.</p> <p>3 Q. Why don't you take a second</p> <p>4 and read through it, and I will point out</p> <p>5 a couple of things to you. There's a</p> <p>6 date on there of 12/3/03 --</p> <p>7 A. Okay.</p> <p>8 Q. -- and it refers to a -- it</p> <p>9 begins with vendor states. It says,</p> <p>10 vendor states that he constantly has</p> <p>11 run-ins with the store manager, Yvette</p> <p>12 Schreiber. I would like you to read</p> <p>13 through this and tell me if this relates</p> <p>14 to your complaint that you said relates</p> <p>15 to Lowe's corporate, and we will go off</p> <p>16 the record to do that, if you want.</p> <p>17 - - -</p> <p>18 (Whereupon, there was a</p> <p>19 discussion held off the record at</p> <p>20 this time.)</p> <p>21 - - -</p> <p>22 (Whereupon, there was a</p> <p>23 recess held at this time, 2:54 to</p> <p>24 3:01 p.m.)</p>	<p style="text-align: right;">260</p> <p>1 A. I called Lowe's corporate</p> <p>2 office.</p> <p>3 Q. What did you do, you called</p> <p>4 the main switchboard or what?</p> <p>5 A. The number that I had, which</p> <p>6 I got from the human resources department</p> <p>7 at Lowe's.</p> <p>8 Q. Okay. And when did you get</p> <p>9 it from the human resources department?</p> <p>10 A. That day.</p> <p>11 Q. Who did you talk to in human</p> <p>12 resources?</p> <p>13 A. I got it from the wall.</p> <p>14 Q. You got it from the wall</p> <p>15 outside of the human resources --</p> <p>16 A. Outside the human resources</p> <p>17 department.</p> <p>18 Q. Is this essentially the</p> <p>19 complaint that you made?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Okay. And it says in there</p> <p>22 that you constantly have run-ins with the</p> <p>23 store manager, Yvette Schreiber?</p> <p>24 A. Yes, sir.</p>
<p style="text-align: right;">259</p> <p>1 BY MR. LEAHY:</p> <p>2 Q. Mr. Hanson, are you ready?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Mr. Hanson, looking at this</p> <p>5 customer care incident fax, does that</p> <p>6 sound like the complaint that you made,</p> <p>7 you said, I think, to Lowe's corporate</p> <p>8 about Yvette Schreiber?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Correct?</p> <p>11 A. Yes, sir.</p> <p>12 Q. How did you make the</p> <p>13 complaint, can you tell me physically</p> <p>14 what it was that you did?</p> <p>15 A. I, uhm -- I called, uhm,</p> <p>16 shortly -- it was shortly after the</p> <p>17 incident I called, and I don't know if</p> <p>18 they are factoring in a time difference</p> <p>19 in this or not, but right after the</p> <p>20 incident I called and I just had -- I</p> <p>21 called from home and this is basically</p> <p>22 where I told them that --</p> <p>23 Q. Back up.</p> <p>24 Who did you call?</p>	<p style="text-align: right;">261</p> <p>1 Q. She always has smart alec</p> <p>2 comments and makes the work environment</p> <p>3 very unpleasant and stresses this vendor,</p> <p>4 that's you; is that correct?</p> <p>5 A. Can I make a comment?</p> <p>6 Q. Sure. Well, tell me if</p> <p>7 that's correct first. Is that the</p> <p>8 complaint that you made?</p> <p>9 A. Can you please repeat that?</p> <p>10 Q. Is that complaint what it</p> <p>11 says here?</p> <p>12 A. I'm sorry, what you said</p> <p>13 before that.</p> <p>14 Q. She always has smart alec</p> <p>15 comments and makes the work environment</p> <p>16 very unpleasant and stresses this vendor.</p> <p>17 A. Yes, sir.</p> <p>18 Q. Okay. What was your</p> <p>19 comment?</p> <p>20 A. Yeah, this looks like -- I'm</p> <p>21 not going to say this is what I said</p> <p>22 verbatim. It looks like the person that</p> <p>23 I spoke with at the corporate office,</p> <p>24 that's their interpretation of what I</p>

<p style="text-align: right;">262</p> <p>1 said, I guess like a synopsis. They took 2 everything I said and put it in this 3 paragraph. Those are not the words I 4 would use. I wouldn't use smart alec and 5 I wouldn't use -- there is some stuff in 6 here that I wouldn't say so it's their 7 interpretation of what I told them. 8 Q. Is it accurate? Is it 9 consistent with what you told them? 10 A. Yes, sir. 11 Q. Okay. Is there any part of 12 it that's inaccurate? 13 A. No, sir. 14 Q. Is there anything that they 15 have -- other than you said you wouldn't 16 use the word smart alec, I think, is 17 there anything here that -- anything 18 that's left out from this complaint that 19 you told them? 20 A. No, sir. 21 Q. Did you tell them that it 22 was because you thought it was because of 23 your gender that Yvette Schreiber was 24 doing this to you?</p>	<p style="text-align: right;">264</p> <p>1 that had transpired with Yvette, this is 2 consistent. 3 Q. What I am getting at, 4 though, is, do you remember then whether 5 or not you told anybody, the person that 6 you made this phone call to, that you 7 thought this was all because of your 8 gender or your race? 9 A. Can you ask me if I 10 remember? I would be honest with you, I 11 don't remember physically saying, hey, 12 you know, she's -- you know, this is 13 because I'm male or anything like that. 14 I'm not going to say that I said that 15 because I don't remember, so, therefore, 16 I'm not going to say that. 17 Q. Go ahead, no, finish. 18 A. Therefore, this is 19 consistent with the problem that had 20 transpired. 21 Q. Okay. Now, I think we got 22 on to the subject by you telling me that 23 something happened following you making 24 this call?</p>
<p style="text-align: right;">263</p> <p>1 A. Yes, sir. 2 Q. You did? 3 A. Yes, sir. 4 Q. Okay. Does it say that in 5 here? 6 A. No, it doesn't. 7 Q. So when I asked you if this 8 was accurate and if there was anything 9 left out, was there something left out, 10 or did you not tell them that? 11 A. I'm -- I'm going to be up 12 front and honest. I'm not going to 13 remember exactly what I said verbatim as 14 far as I'm not going to say yes, I said 15 that or, no, I didn't say that because 16 this has been so long ago that I'm not 17 going to remember exactly. 18 This is consistent with what 19 the conversation is I had with corporate, 20 but as far as throwing in like gender and 21 national origin and all that stuff, I'm 22 not going to say that's what I said 23 because I don't remember word for word 24 what I said, but as far as the problem</p>	<p style="text-align: right;">265</p> <p>1 A. Yes, sir. 2 Q. First off, why don't you 3 tell me what happened in response to 4 this? Did you get any response from 5 anybody? 6 A. Yes, sir. 7 Q. What kind of response did 8 you get? 9 A. Uhm, actually, that -- that 10 night I called Jeremy Leaman and I told 11 him that, you know, I had filed a 12 complaint against Yvette, and like I was 13 saying before, there was not a big deal 14 made out of it until the next day when he 15 either got a call from Yvette or the 16 corporate office. 17 He got a call about me 18 calling corporate the next day. So what 19 come of it? He had brought it to my 20 attention that any kind of issue -- 21 future issues, that they need to go 22 directly through him and not through the 23 corporate office. 24 Q. Okay. Did you get any other</p>

<p style="text-align: right;">266</p> <p>1 response to this?</p> <p>2 A. I was, uhm, working in the</p> <p>3 electrical department and a guy named</p> <p>4 Eric got a call on his phone.</p> <p>5 Q. Guy named who?</p> <p>6 A. Eric.</p> <p>7 Q. Okay.</p> <p>8 A. Electrical specialist, and</p> <p>9 he -- it just happened to be just a</p> <p>10 coincidence because he didn't have to be</p> <p>11 where I was at at the time. He just was</p> <p>12 standing there when I was working. And</p> <p>13 he got a call and he looked at me funny.</p> <p>14 And I said, what's wrong?</p> <p>15 You act like you got a disturbing phone</p> <p>16 call.</p> <p>17 He goes, yeah, I just got a</p> <p>18 call on my phone asking about you and</p> <p>19 whether or not you were in the department</p> <p>20 and whether or not you were working.</p> <p>21 And I said, do you know who</p> <p>22 you called?</p> <p>23 He -- he goes, no, but it's</p> <p>24 somebody from inside the store.</p>	<p style="text-align: right;">268</p> <p>1 He said, no.</p> <p>2 So I was just checking to</p> <p>3 see if other vendors were going through</p> <p>4 what I was going through, and he says he</p> <p>5 never got a call from anybody checking up</p> <p>6 on a vendor, but he said -- but he did</p> <p>7 mention that Yvette did go to him to --</p> <p>8 checking up on me. Yvette had approached</p> <p>9 him. I think it was like --</p> <p>10 I don't know when it was,</p> <p>11 but it was before I had approached him</p> <p>12 that he said Yvette had approached him on</p> <p>13 a few occasions mentioning my name,</p> <p>14 saying you keep an eye on that kid,</p> <p>15 that's the word she used, keep an eye on</p> <p>16 that kid, and you make sure, you know,</p> <p>17 that, you know -- he just -- I don't know</p> <p>18 to the extent, but he is to just</p> <p>19 basically keep an eye on me and let her</p> <p>20 know anything.</p> <p>21 Q. And when was it that he told</p> <p>22 you about that?</p> <p>23 A. Probably it was about a week</p> <p>24 after this incident. I mean, I'm sorry,</p>
<p style="text-align: right;">267</p> <p>1 So he got an internal call</p> <p>2 from the store checking up on me on his</p> <p>3 phone.</p> <p>4 Q. Did you ever find out who it</p> <p>5 was who had called him?</p> <p>6 A. No, sir.</p> <p>7 Q. Did you ever discuss that</p> <p>8 with anybody else?</p> <p>9 A. No, sir.</p> <p>10 Actually, I would like to</p> <p>11 back up. I did, but I don't think it's</p> <p>12 really a big deal. I talked to Jeff</p> <p>13 about it.</p> <p>14 Q. Jeff?</p> <p>15 A. Jeff Ramirez.</p> <p>16 Q. What did you say to Jeff</p> <p>17 Ramirez about it?</p> <p>18 A. I just said you -- you have</p> <p>19 dealt with other vendors besides me,</p> <p>20 because the department has three or four</p> <p>21 different vendors, and I said, have you</p> <p>22 ever -- have you ever gotten a call on</p> <p>23 your phone asking you about a certain</p> <p>24 vendor?</p>	<p style="text-align: right;">269</p> <p>1 a week after I called the corporate</p> <p>2 office.</p> <p>3 Q. Okay. Did you have an</p> <p>4 indication of when it was that she had</p> <p>5 approached Jeff and said that to him, had</p> <p>6 it happened much before then or that day?</p> <p>7 A. A few occasions, that week</p> <p>8 and the week before.</p> <p>9 Q. Okay. And so was it before</p> <p>10 or after you made your call here that's</p> <p>11 documented in Exhibit 4 that she had</p> <p>12 approached him?</p> <p>13 A. It was before -- it was</p> <p>14 before and after.</p> <p>15 Q. Both?</p> <p>16 A. Both.</p> <p>17 Q. Okay.</p> <p>18 A. In this case.</p> <p>19 Q. Okay. Any other incidents</p> <p>20 of harassment that you were subjected to</p> <p>21 by Yvette Schreiber?</p> <p>22 A. Micromanagement.</p> <p>23 Q. What do you mean by</p> <p>24 "micromanagement"?</p>

<p style="text-align: right;">270</p> <p>1 A. I noticed I would see her</p> <p>2 more than I ever did before. She would</p> <p>3 check up on me more than I ever -- I seen</p> <p>4 her more than I used to see her.</p> <p>5 Q. What do you mean "more than</p> <p>6 you used to see her"?</p> <p>7 A. Before, like any time I</p> <p>8 dealt with her, it would be her going by</p> <p>9 me by some coincidence or approaching her</p> <p>10 if I had to at the customer service desk.</p> <p>11 Seemed like too frequently that it would</p> <p>12 not be really a coincidence, but I would</p> <p>13 see her more often. Instead of on a few</p> <p>14 occasions, I would just see her just</p> <p>15 about every hour on the hour when she was</p> <p>16 at that store. I mean, from -- whether</p> <p>17 it be on one end of the store or the</p> <p>18 other, like I always saw her passing</p> <p>19 by -- it wasn't just her passing by, it</p> <p>20 was her passing by and staring at me</p> <p>21 directly, frequently, through the day.</p> <p>22 Q. Are you talking about after</p> <p>23 this phone call or is this something</p> <p>24 during the time that you worked for Ideal</p>	<p style="text-align: right;">272</p> <p>1 A. Just basically about she</p> <p>2 didn't feel as if I was representing -- I</p> <p>3 don't know if it's verbatim, but it had</p> <p>4 to deal with both electrical and</p> <p>5 plumbing, that she didn't feel as if I</p> <p>6 was fully representing the product as far</p> <p>7 as making it up to par as it should have</p> <p>8 been, standard.</p> <p>9 Q. And what did you say to</p> <p>10 Jeremy when he told you that?</p> <p>11 A. I said -- I said, Dover is a</p> <p>12 lot worse than Middletown, so I agree</p> <p>13 with it not being comparable to</p> <p>14 Middletown, but, however, everything that</p> <p>15 you have asked me on the PDA, on the fax</p> <p>16 transmittal sheets, whatever it may be, I</p> <p>17 have done, and I haven't -- and I have</p> <p>18 gone above and beyond by calling you on a</p> <p>19 regular basis, letting you know what's</p> <p>20 going on.</p> <p>21 You call me and I answered</p> <p>22 your questions. I have called you and</p> <p>23 you have answered my questions. I said</p> <p>24 you know there is nothing new, and I said</p>
<p style="text-align: right;">271</p> <p>1 as opposed to the time that you worked</p> <p>2 for Spectrum?</p> <p>3 A. After this phone call.</p> <p>4 Q. Any other ways in which you</p> <p>5 were subjected to harassment by Yvette</p> <p>6 Schreiber?</p> <p>7 A. I know if she had complained</p> <p>8 to Jeremy about my work performance and I</p> <p>9 couldn't see how she could do that when I</p> <p>10 reported to the department manager, and I</p> <p>11 didn't have any problems with the</p> <p>12 department managers at Lowe's at all.</p> <p>13 Q. How do you know that she</p> <p>14 complained to Jeremy about your work</p> <p>15 performance?</p> <p>16 A. Jeremy told me like, you</p> <p>17 know, what's going on.</p> <p>18 Q. When did Jeremy tell you</p> <p>19 that?</p> <p>20 A. After this customer care</p> <p>21 line call.</p> <p>22 Q. Okay. What did Jeremy say</p> <p>23 to you about the complaint that she had</p> <p>24 made?</p>	<p style="text-align: right;">273</p> <p>1 this is probably a result of calling the</p> <p>2 care line.</p> <p>3 He goes, yeah, I just want</p> <p>4 you to know what's going on.</p> <p>5 Q. Is that how the conversation</p> <p>6 ended?</p> <p>7 A. Yeah.</p> <p>8 Q. Is that the only complaint</p> <p>9 that Yvette Schreiber made to Jeremy</p> <p>10 Leaman, as far as you know, about your</p> <p>11 work performance?</p> <p>12 A. Not by -- by Yvette, but by</p> <p>13 Linda.</p> <p>14 Q. So there were others by</p> <p>15 Linda?</p> <p>16 A. That was probably the last</p> <p>17 complaint from Yvette, but the last</p> <p>18 complaint I got hearing it from Jeremy</p> <p>19 was from Linda, but it was passed on by</p> <p>20 Yvette Schreiber because Linda had to get</p> <p>21 Yvette's approval before Linda could call</p> <p>22 Jeremy about the situation.</p> <p>23 Q. That was the last complaint</p> <p>24 by Yvette Schreiber; is that what you're</p>

<p style="text-align: right;">274</p> <p>1 saying? Were there other complaints that</p> <p>2 Yvette made to Jeremy Leaman about your</p> <p>3 performance?</p> <p>4 A. Yes, but through a second</p> <p>5 source, not directly through her.</p> <p>6 Q. Why don't you tell me about</p> <p>7 that?</p> <p>8 A. The second source was</p> <p>9 through Linda Myers. Linda Myers had</p> <p>10 called Jeremy to state that I was no</p> <p>11 longer to work at the Dover store --</p> <p>12 Q. Okay.</p> <p>13 A. -- period. And she had</p> <p>14 gotten that approval from Yvette, and</p> <p>15 obviously she can't make those decisions,</p> <p>16 and then Jeremy then called me on a</p> <p>17 Sunday saying that I was no longer able</p> <p>18 to work at the Dover store.</p> <p>19 And then I had asked him,</p> <p>20 why, what is going on? What is -- this</p> <p>21 is just -- there's always -- every day</p> <p>22 there's something new. What is it this</p> <p>23 time? He says that because I was</p> <p>24 recording conversations in the store.</p>	<p style="text-align: right;">276</p> <p>1 I was in the store and if I was working.</p> <p>2 Q. Okay. Any other ways in</p> <p>3 which you were subjected to harassment by</p> <p>4 Yvette Schreiber during the time that you</p> <p>5 worked for Ideal?</p> <p>6 A. I guess it would be more of</p> <p>7 indirect -- uhm, it would be more</p> <p>8 indirect.</p> <p>9 Q. What do you mean by that?</p> <p>10 A. That's just not getting the</p> <p>11 support from her. I mean, there would be</p> <p>12 things that I had needed from her as far</p> <p>13 as like -- just like -- just help with</p> <p>14 plumbing and electrical. Just let's say</p> <p>15 I would have to --</p> <p>16 Rain Bird is a -- it's an</p> <p>17 inground sprinkling system, and when you</p> <p>18 do something that big of a project --</p> <p>19 because there is a big project with Rain</p> <p>20 Bird where we had to clear out three bays</p> <p>21 and it had to be shipped to somewhere in</p> <p>22 the south to make way for the winter</p> <p>23 product, the insulation, the salt and</p> <p>24 everything like that, and there were just</p>
<p style="text-align: right;">275</p> <p>1 Q. Let me back up.</p> <p>2 This was a complaint, and I</p> <p>3 take it that was at the end of your</p> <p>4 employment with Ideal?</p> <p>5 A. That was the end.</p> <p>6 Q. That was the end?</p> <p>7 A. That was the end.</p> <p>8 Q. I want to talk about while</p> <p>9 you were working for Ideal, and I asked</p> <p>10 you for instances in which Yvette</p> <p>11 Schreiber had subjected you to</p> <p>12 harassment, and you told me she</p> <p>13 complained to Jeremy Leaman about your</p> <p>14 performance.</p> <p>15 Were there other times --</p> <p>16 and you gave me one instance. Were there</p> <p>17 other instances where she complained to</p> <p>18 Jeremy Leaman about your performance, as</p> <p>19 far as you know?</p> <p>20 A. As far as I know, that was</p> <p>21 -- that was it, that, calling the care</p> <p>22 line, and then getting -- not saying it</p> <p>23 was her, but the mysterious calls to the</p> <p>24 department managers about whether or not</p>	<p style="text-align: right;">277</p> <p>1 some things I had to go through Yvette.</p> <p>2 And when I tried to get her help, she</p> <p>3 didn't want pretty much anything to do</p> <p>4 with it as far as helping me out with</p> <p>5 Rain Bird ICB, which is transferring one</p> <p>6 product at the Lowe's store to another</p> <p>7 Lowe's store, which is down south,</p> <p>8 because I had asked for assistance on a</p> <p>9 couple of occasions and she pretty much</p> <p>10 didn't want to help me out, let alone</p> <p>11 acknowledge me or talk to me.</p> <p>12 So I -- she could have made</p> <p>13 it easier for me and she could have been</p> <p>14 the only point person. I ended up having</p> <p>15 to go to three -- three -- two or three</p> <p>16 people to get this ICB of this Rain Bird</p> <p>17 product to transfer it to another Lowe's</p> <p>18 store.</p> <p>19 Q. So you said that she</p> <p>20 wouldn't help you with it?</p> <p>21 A. She wouldn't help me with</p> <p>22 it.</p> <p>23 Q. You asked her for help?</p> <p>24 A. I asked her for help.</p>

<p style="text-align: right;">278</p> <p>1 Q. And what did she say to you?</p> <p>2 A. She just really, more or</p> <p>3 less, just blew me off. She goes, I have</p> <p>4 nothing to do with that.</p> <p>5 Q. Did she tell you that there</p> <p>6 was somebody else you needed to talk to</p> <p>7 about it?</p> <p>8 A. She says that she doesn't</p> <p>9 have time for it and I needed to talk to</p> <p>10 somebody else.</p> <p>11 Q. Did she tell you who?</p> <p>12 A. Brenda.</p> <p>13 Q. So she told you who to talk</p> <p>14 to about it?</p> <p>15 A. Right.</p> <p>16 Q. Who was Brenda?</p> <p>17 A. The RTM clerk.</p> <p>18 Q. Okay. Any other ways in</p> <p>19 which you were subjected to harassment by</p> <p>20 Yvette Schreiber?</p> <p>21 A. Other than that, just all</p> <p>22 the times that she called me boy.</p> <p>23 Q. What times did she call you</p> <p>24 boy?</p>	<p style="text-align: right;">280</p> <p>1 she said -- you know, she said it real</p> <p>2 loud, and Keith, like I said, was there</p> <p>3 and I know of some other customers</p> <p>4 heard -- that's the main one I mentioned</p> <p>5 because she said this place looks shit</p> <p>6 and she said it so loud. It wasn't that</p> <p>7 bad, it was a lot better than the day</p> <p>8 before, and that's why I mentioned that</p> <p>9 one as the main one.</p> <p>10 But there was incidents</p> <p>11 comparable to that where she just called</p> <p>12 me boy, and then she told people you</p> <p>13 better look after that kid, like I was</p> <p>14 telling you before. She talked to Jeff</p> <p>15 Ramirez to keep an eye on that kid, and</p> <p>16 that's when Jeff related it back to me</p> <p>17 and those were the comments that I was</p> <p>18 getting back.</p> <p>19 Q. Any other times that she</p> <p>20 called you boy?</p> <p>21 A. Those are the occasions that</p> <p>22 she called me boy.</p> <p>23 Q. So it's this one time when</p> <p>24 she didn't see you at the desk or you</p>
<p style="text-align: right;">279</p> <p>1 A. I probably mentioned it. I</p> <p>2 don't want to repeat myself and I know I</p> <p>3 probably already said it. The one time</p> <p>4 when she went by and she said, you want</p> <p>5 to do any work today, boy.</p> <p>6 And I told you, the</p> <p>7 electrical desk is really hard to find,</p> <p>8 it is recessed in, it's hard to find, so</p> <p>9 desk, and I didn't know if it was her, so</p> <p>10 I leaned over to see if it was her, and</p> <p>11 she turned around and said, yeah, that's</p> <p>12 right, I'm talking to you, boy.</p> <p>13 Q. Okay. So is that the only</p> <p>14 time she called you boy?</p> <p>15 A. No -- well, when she told me</p> <p>16 that -- when she would go by -- I told</p> <p>17 you one example when she said -- excuse</p> <p>18 my language, but when she said this looks</p> <p>19 like shit, and she would go by me other</p> <p>20 times and say, what are you doing, boy,</p> <p>21 and this doesn't look good, boy, and</p> <p>22 stuff like that and just real snotty</p> <p>23 comments.</p> <p>24 That one I mentioned because</p>	<p style="text-align: right;">281</p> <p>1 didn't see her, you were at the desk?</p> <p>2 A. Yeah, I didn't see her at</p> <p>3 first, but when I turned to look she was</p> <p>4 there.</p> <p>5 Q. So there was that one time,</p> <p>6 and when was the other time when she said</p> <p>7 this place looks like shit; is that what</p> <p>8 it was?</p> <p>9 A. She said that, but didn't</p> <p>10 call me boy.</p> <p>11 Q. When did she call you boy?</p> <p>12 A. She called me boy on a</p> <p>13 couple of occasions. Like one time when</p> <p>14 I had a shopping cart -- actually, it</p> <p>15 was, you know, it was a shopping cart,</p> <p>16 but I guess that was in her way because</p> <p>17 she was trying to get something, and she</p> <p>18 said, you got to move this out the way,</p> <p>19 boy.</p> <p>20 And there was another</p> <p>21 incident where I think she just didn't</p> <p>22 like the way things looked and she</p> <p>23 assumed that it was my fault that it</p> <p>24 looked bad, so she goes, you need to do a</p>

282

1 better job on this, boy, this is
2 unacceptable, boy, and that's it.

3 Q. Any other times that she
4 called you boy?

5 A. That's about it.

6 Q. Okay. So there were four
7 occasions?

8 A. Four occasions.

9 Q. I'm sorry, three; is that
10 right?

11 There was a time sitting at
12 the desk?

13 A. Three.

14 Q. Okay. Any other times in
15 which you were subjected to harassment by
16 Yvette Schreiber?

17 A. Just snide remarks, though,
18 but that's something that she did to me
19 before I worked for Ideal and something
20 that she did to me when I worked for
21 Lowe's.

22 Q. What do you mean by "snide
23 remarks"?

24 A. Are you going to do any work

283

1 today?

2 Q. Is that something that she
3 did while you worked for Ideal?

4 A. She did that while I worked
5 for Ideal.

6 Q. She said, are you going to
7 do any work today?

8 A. Yes, sir.

9 Q. Anything else?

10 A. I don't know if it's -- it's
11 very severe or not, but from when I went
12 to the -- I had to -- to go to the
13 customer service desk to get cycle count
14 reports and Yvette was in the office and
15 she saw me. She goes, what are you doing
16 today? She said it like real loud and
17 snide.

18 I just told her I was
19 getting these cycle counts printed out.
20 I mean, she didn't say derogatory remarks
21 to me or anything like that, but it was
22 just the way she said it that was not --
23 not necessarily as severe as other
24 comments, but just the way she said it,

284

1 and that's just some other examples. It
2 is probably not as big of examples as the
3 other ones, but that was examples of just
4 being that I felt she was just negative.
5 She didn't have to even say that.

6 Q. Any other instances in which
7 you were subjected to harassment by
8 Yvette Schreiber?

9 A. Like the one I was going to
10 go on to is probably one that you don't
11 want to touch on yet and that -- and
12 that's when I got the call from Jeremy
13 saying I was terminated from Ideal, and
14 that was from Yvette.

15 Q. That was from Yvette?

16 A. Through Linda.

17 Q. Okay, and we will deal with
18 that in a minute. That was another
19 instance. I can get all the details on
20 that in a minute, but that was another
21 instance in which you were subjected to
22 harassment by Yvette?

23 What I am getting at, just
24 to bring you back to where we were, we

285

1 were talking about your complaint in
2 paragraph 14. It says you were subjected
3 to constant harassment by agents of
4 defendant Lowe's, namely, store manager
5 Yvette.

6 A. Yes, sir.

7 Q. And I want to know all of
8 the ones you're talking about in
9 paragraph 14 of your complaint.

10 A. I felt that -- for those 90
11 days I felt that I was -- I mean, I
12 didn't count every single complaint that
13 she gave me because some of them she did
14 to me in previous vending jobs, but with
15 some of them she really just crossed the
16 line and that's why I called the hotline,
17 but I thought for the first 90 days all
18 that had transpired was more than enough.

19 Q. I understand that, but have
20 you told me about all of them? Are there
21 any others that you have not told me
22 about, is what I want to know?

23 A. That's just for Yvette,
24 correct?

286

1 Q. Yes, dealing with Yvette.

2 A. That would have to be it.

3 Q. Okay. Now, all of those
4 instances of harassment that you just
5 mentioned, do you think they were all
6 because of your sex?

7 A. Yes, sir.

8 Q. Why do you think they were
9 because of your sex?

10 A. Being that I was a vendor
11 there, uhm, you also have female vendors
12 as well --

13 Q. Okay.

14 A. -- and I felt like it's just
15 -- I mean, I shouldn't say it's
16 probably -- probably not right to say
17 it's a no-brainer, but when you go into
18 vending, you're not micromanaged
19 whatsoever. I mean, you just
20 specifically are going to the store, do
21 the job that you're to do through the
22 vendor that has the contract with Lowe's
23 and that's it.

24 On some occasions you will

288

1 can, so, therefore, I will never know
2 what it is with Linda and Yvette that
3 this -- they always gave me a hard time
4 because other vendors -- I know other
5 vendors, I talked to them, I know them
6 from being a vendor before and a Lowe's
7 employee, so I just know how vending
8 works. And it was as almost as if I was
9 a Lowe's employee working for Ideal
10 Merchandising, and I felt like I was
11 being treated worse than when I was a
12 Lowe's employee.

13 I was a Lowe's employee
14 under Yvette's direction when she was
15 store manager and, uhm, that's why I say
16 I have no other choice, but to look at it
17 as sex, because, like I said, they are
18 both females and I don't know what it is
19 about what I have done -- like I said, I
20 don't know, because it probably started
21 from when I worked at Lowe's, but I have
22 to look at it from that perspective as
23 being a male, that they had it in for me.

24 Q. Because they are both

287

1 interact with customers and Lowe's
2 employees and so on and so forth, but
3 it's not a regular routine or pattern.
4 With me, because of Yvette and Linda, I
5 had dealt with them in my previous
6 vending position and as a previous Lowe's
7 employee, and I felt that it had -- had
8 to do with my race because I had to look
9 at it from that perspective because they
10 are both females --

11 Q. You just said race. I was
12 asking you about your sex.

13 A. My sex, excuse me.

14 Q. Okay.

15 A. Correct myself. I have to
16 look at it from the sex perspective
17 because they are both females and they
18 are both from the same Lowe's store in
19 Louisiana. They know each other. And I
20 will never know to this day -- I mean, I
21 like to think my work ethic is just one
22 that's consistent and is that -- is one
23 that shows up on a timely manner that is
24 counter productive and does the best he

289

1 female?

2 A. Because they are both female
3 and other female vendors weren't getting
4 treated the way that I was.

5 Q. What other female vendors
6 were there?

7 A. I don't know their names.
8 Black and Decker, and then the other one
9 is -- it's a -- it is a home decor. I
10 think it's called Rubbermade.

11 Q. Were there male vendors who
12 were -- were there other male vendors?

13 A. Yes, sir.

14 Q. How were they treated, as
15 badly as you?

16 A. They were treated great.
17 They were left alone.

18 Q. They were treated like
19 female vendors?

20 A. Yes, sir.

21 Q. How about your race, why do
22 you think it was about your race?

23 A. I'd have to look at it from
24 my race because I was the only one of

290

1 Asian descent. Whether it was from -- I
 2 mean, working for Ideal Merchandising
 3 because this is what this is about, is
 4 because the other vendors that I
 5 mentioned, female and male, I mean they
 6 were not of Asian descent, so I had to
 7 look at it from that perspective, too.
 8 I mean, I have to look at it
 9 from being my race, or going back to
 10 before, being my sex, because I don't
 11 know how this started. Like going back
 12 to what I was telling you before, yes,
 13 Yvette and Linda came from the same store
 14 and I was telling you before I don't know
 15 how this started, and that's why I have
 16 to look at it from this perspective
 17 because I'm a male, and then going back
 18 to this one now because of my race,
 19 because I can't think of any other
 20 reason, but it to be that, for the reason
 21 that I have been given these hardships
 22 for the past -- I'm speaking on Ideal,
 23 for working for Ideal.
 24 Q. Because you can't think of

291

1 any other reason so you think it's
 2 because of your race?
 3 A. Well, I know it's because of
 4 the race.
 5 Q. Why? That's what I am
 6 trying to get at, sir. Why do you know
 7 it's because of your race? You have told
 8 me before, as with your sex, you said
 9 they are female and from the same store,
 10 speaking about Yvette and Linda.
 11 Why do you think it's
 12 because of your race?
 13 A. Because people of different
 14 races, African American or Caucasian
 15 descent, weren't treated in the same
 16 manner that I was treated. I'm not
 17 talking about the same manner isn't
 18 better. They were not micromanaged, they
 19 were not getting calls on their cell
 20 phone, like I was telling you about
 21 before. I asked Jeff about that -- I'm
 22 not even going to talk about that.
 23 Just knowing other vendors
 24 weren't getting -- of a different race

292

1 weren't getting calls on the Lowe's
 2 phone, weren't getting checked up on on a
 3 regular basis, whether it be every hour
 4 on the hour, any of that. I was the only
 5 one subject to this harassment.
 6 Q. How do you know that?
 7 A. Talking to other vendors.
 8 Q. And no vendors had that
 9 problem?
 10 A. No vendors had that problem.
 11 Q. Any other reasons why you
 12 think it was because of your race?
 13 A. The consistency.
 14 Q. What you mean? What do you
 15 mean by "the consistency"?
 16 A. I mean the regular -- I mean
 17 the hostile environment was already
 18 there, but it became more of a hostile
 19 environment after I called the corporate
 20 hotline on them and then it just got
 21 worse. And shortly thereafter, uhm, I
 22 know we are not going to go into it now,
 23 but I was terminated, and that, to me, is
 24 a sign right there that it was definitely

293

1 because of sex and race to expedite this
 2 termination so fast over something
 3 minute.
 4 Q. And that something is that
 5 you called the customer care line and
 6 complained about the store manager?
 7 A. No, I was terminated because
 8 of falsely being accused of recording
 9 conversations.
 10 Q. We will get to that in a
 11 second, but what I am trying to get at
 12 is, have you told me every reason why you
 13 think it was because of your sex and
 14 because of your race?
 15 A. Yes, sir.
 16 Q. You have told me every
 17 reason why you think it was?
 18 A. I don't know if I told you
 19 every reason.
 20 Q. Well, give me every one.
 21 What other reasons do you think it was
 22 because of your sex?
 23 A. See, if I say this -- and
 24 it's going to go back to when I started

74 (Pages 290 to 293)